

**CITY OF
HENDERSONVILLE,
NORTH CAROLINA**

**CODE SECTION / ORDINANCE CRIMINAL PENALTY LISTING
2019**

The following table sets forth code (and ordinance) sections, violations of which impose a criminal penalty under G.S. 14-4(a). This listing excludes civil penalties and provisions imposing only civil (not criminal) fines and penalties. The listing encompasses ordinances adopted through Sept. 5, 2019 which provide for a criminal penalty.

CODE SECTION / ORDINANCE	DESCRIPTION OF CONDUCT	PENALTY
1-4	Altering code	General Penalty; max fine \$500 or max 30 days imprisonment
4-1	Insufficient identification of person posting sign, board, etc.	same
4-2	Unlawful creation of noise concerning any event	same
4-3	Unlawful posting signs, posters, etc. on telephone or other poles	same
4-4	Unlawful mutilation or removal of lawfully posted signs	Same
4-5	Unlawful marking on streets or sidewalks	same
4-6	Posting signs, etc. on others' property without consent	same
4-7	Misrepresenting sales' goods, wares, etc.	same
4-8	Misleading advertising or display of goods	same

4-43	Unlawful distribution of handbills without permit	same
4-44	Unlawful handbill distribution on behalf of others	same
4-45	Promiscuous scattering of handbills, etc.	General Penalty; max fine \$500 or max 30 days imprisonment
4-46	Unlawful placement of printed matter on others' motor vehicles	same
6-2	Unlawful drinking alcoholic beverages in public places	same
6-3	Unlawful possession of alcoholic beverages on city rec sites	same
6-4	Unlawful drinking alcohol at city recreational facilities	same
6-5	Unlawful possession of open container in public place	same
6-6	Alcoholic beverage retail sale hours on Sundays	same
6-7	Unlawful sale of alcohol within 50 feet of school	same
8-2	Bungee jumping facilities prohibited	same
8-36	Sanitary conditions required of pool rooms, discos, dancehalls, etc.	same
8-37	Unlawful obstruction of sight from outside pool rooms, etc.	same
8-38	Unlawful operation of pools rooms, etc. during prohibited hours	same
8-39	Unlawful permitting of gambling in pool halls, etc.	same
8-40	Unlawful allowing disorderly conduct in pool hall, etc.	same
8-41	Unlawful display of amusement devices	same

8-61	Operation of unlicensed pool room, dance hall, etc.	same
8-62	Unlawful installation/operation of unlicensed amusement device	same
8-63	Unlawful maintenance of unlicensed "slotless slot machine"	General Penalty; max fine \$500 or max 30 days imprisonment
8-81	Unlawful operation of carnival without license	same
10-2	Harming or destroying birds	same
10-3	Unlawful hunting, taking, etc. of protected squirrels	same
10-4	Unlawful allowing owned animals to run at large	same
10-5	Unlawful allowing certain fowl to run at large	same
10-6	Failure to remove animal's excreta from public grounds	same
10-7	Unlawful to allow certain animals to be present at certain special events	same
10-8	Unlawful to allow female dog in heat run at large	same
10-9	Unlawful to allow dangerous dog to be at large	same
10-113	Unlawful for dog owners to fail to have dog vaccinated for rabies	same
10-152	Unlawful mistreatment of animals	same
14-164	Massage of private parts for hire	same
14-165	Patronage of or employment by minors of massage businesses	same
14-191	Unlawful operation of massage business without license	same

14-195	Failure of massage business to maintain req'd records	same
14-196	Massage business must display license in work area	same
14-200	Unlawful transfer of license as massage therapist	General Penalty; max fine \$500 or max 30 days imprisonment
12-226	Peddling unlawful during certain hours	same
12-227	Unlawful peddling/sales on streets and sidewalks	same
12-228	Refusal of peddler to leave other's premises	same
12-251	Operating as peddler without a city permit	same
12-256	Peddler must display permit; failure to do so	same
12-283	Vendor operating without permit at defined special event	same
12-287	Prohibited conduct by street vendors	same
14-251 (Ord. No. 19-0960)	Unlawful to peddle without city permit	same
14-256 (Ord. No. 19-0960)	Peddler required to display city permit	same
14-258 (Ord No. 19-0960)	Provides that penalty for violating peddler article is § 1-6	
18-3	Unlawful entry to city cemetery grounds	same
18-4	Trespass and loitering at city cemetery graves and lots	same
18-5	Violation of vehicle speed limit in city cemetery	same
18-6	Unlawful operation of vehicle at city cemetery	same

18-9	Unlawful damage of property at city cemetery	same
18-10	Unlawful planting or damage to vegetation at city cemetery	same
18-11	Unlawful interment of human remains at city cemetery	same
20-33	Prohibited noise nuisances	Minimum fine \$50 to \$500 max fine
20-35	Violation of maximum permitted sound level	same
20-36	Unlawful noise by motor vehicle	Minimum fine \$50 to \$500 max fine
22-3	Causing false fire alarm	General Penalty; max fine \$500 or max 30 days imprisonment
22-4	Acts prohibited in city's primary fire district	same
22-73 (Ord. No. 19-0207)	Records of required NCFC tests must be provided to city	same
24-39	Land and structures must satisfy flood control article	Max fine \$50, max imprisonment 30 days, or both
24-91	General standards in special flood hazard areas	same
24-92	Specific standards in special flood hazard areas	same
24-95	Standards for certain riverine floodplain areas	same
24-96	Required standards for floodways and non-encroachment areas	same
24-147	General development standards for stormwater control measures	Max fine \$500 or max 30 days imprisonment, per § 24-161(c)
24-152	Onsite wastewater operation standards	same
24-155	Interference/obstruction of stormwater administrator	same

24-159	Stormwater BMP maintenance resulting in nuisance	same
24-163	Illicit discharge to stormwater conveyance	same
26-3	Prohibited acts affecting surface water drainage	General Penalty; max fine \$500 or max 30 days imprisonment
26-4	Engaging in cycling, etc. without protective equipment	same
26-37	Unlawful to permit nuisance condition on lot or in building	same
26-38	Enumerated nuisance conditions	same
34-3	Unlawful placement of manufactured or mobile home	General Penalty; max fine \$500 or max 30 days imprisonment
34-4	Parking and storage of recreational vehicles	same
36-1 (Ord. No. 19-0651)	Block or impeding street and sidewalk access	same
36-2 (Ord. No. 19-0651)	Urinating or defecating in public	Max fine of \$200 and any punishment for class 3 misdemeanor
36-3 (Ord. No. 19-0651)	Unlawful solicitation/item distribution in public parking lots and garages	General penalty; max fine \$500 or max 30 days imprisonment
36-4 (Ord. No. 19-0651)	Harassment in public spaces prohibited	same
36-41	Trespass	same
36-42	Disturbing the peace	same
36-43	Disturbing public meetings	same
36-44	Unlawful assembly	same
36-45	Fighting	same

36-46	Disturbing lawful assemblages	same
36-81	Unlawful projecting/throwing projectiles, stones, etc.	same
36-82	Unlawful firearm discharge	same
36-83	Unlawful possession of dangerous weapons	same
36-84	Unauthorized use of police whistles and fire signals	same
36-85	Unlawful abandonment of iceboxes, etc.	same
36-86	Possession of firearms by convicted felons	General Penalty; max fine \$500 or max 30 days imprisonment
36-87	Unlawful carry of certain weapons on city property	same
36-121	Indecent exposure or behavior	same
36-122	Displaying obscene pictures	same
36-124	Prostitution/solicitation	same
36-125	Selling/Renting houses of use as house of prostitution	same
36-126	Keeping bawdy hours	same
36-127	Keeping assignation houses	same
36-128	Staying in bawdy houses	same
36-129	Keeping or renting a disorderly houses	same
36-187	Violation of declaration of emergency	same

36-213	Violation of curfew	same
36-249	Unlawful abandonment of vehicle	same
36-250	Unlawful to allow vehicle to become nuisance vehicle	same
36-251	Unlawful to leave junk vehicle on property after order to remove	same
36-261	Unlawful removal of impounded vehicle	same
38-13	Failure to use req'd equipment in public skate parks	Misdemeanor, max \$50 fine
38-14	Hazardous recreational activity	Misdemeanor, max \$50 fine
38-18	City skate park rules	same
42-1	Unlawful sale/purchase from minor by junk dealer	General Penalty; max fine \$500 or max 30 days imprisonment
42-38	Pawnbroker must maintain electronic records	same
42-39	Pawnbroker must electronically upload info to city police	same
44-5	Littering prohibited	same
44-7	Unlawful to go on other's property to dispose of waste materials	same
44-45	Unauthorized accumulation, disposal, removal of solid waste	same
46-1	Unlawful sight obstruction at intersection	same
46-2	Unlawful playing in public streets	same
46-3	Unlawful damage to paving under construction	same

46-5	Required display of property numbering	same
46-41	Permit required to dig/cut/excavate streets, etc.	same
46-83	Violation of picketing requirements and regulations	same
46-86	Unlawful operation of sidewalk café without city permit	same
46-87	Requirements for street entertainers in certain areas	same
46-124	Unlawful to operate as arborist without city license	same
46-125 (Ord. No. 18-0655)	Unlawful trimming or cutting of heritage tree	same
46-157	Unlawful interference with city tree board	General Penalty; max fine \$500 or max 30 days imprisonment
Chapter 50 Traffic	See Addendum 1 at end of report for list of relevant code sections	same
52-4	Pollution of water	same
52-6	Waste of water	same
52-7	Unauthorized use of water	same
52-8	Unlawful use of fire hydrants	same
52-13	Tampering with utility connections or appurtenances	Same
52-130	Separate connections required	same
52-441	Violation of Stage2A water shortage alert, level 1 restrictions	same

52-442	Violation of Stage 2B water shortage alert, level 2 restrictions	same
52-443	Violation of Stage 3 water shortage emergency restrictions	same
52-446(d)(2)	Unlawful operation of irrigation system under certain conditions	same
52-448	Designated hours for landscaping water use	same
52-482	Unlawful alteration of public water distribution system	Misdemeanor; 2-year max imprisonment, max \$500 fine
54-32	Unlawful operation of taxi in violation of city requirements	General Penalty; max fine \$500 or max 30 days imprisonment
54-34	Insurance requirements for tax operation	same
54-35	Unlawful operation of taxi without city inspection	same
54-36	Required display of vehicle/driver identification	General Penalty
54-38	Unlawful soliciting of business by taxi driver/owner	same
54-40	Unlawful taxi transport for unlawful purposes	same
54-41	Drivers' manifests must be maintained	same
54-42	Unlawful not to report accidents	same
54-43	Unlawful operation after receipt of notice of suspension/revocation	same

<p style="text-align: center;">NOTE re GENERAL PENALTY in CODE</p> <p>Code § 1-6 provides a violation of the city code “shall be punished by a fine not exceeding \$500 or by imprisonment for a term not exceeding 30 days,” where no specific penalty is provided.</p>

ADDENDUM 1

TRAFFIC

The following sections from Chapter 50 of the Hendersonville City Code, concerning traffic violations – most of which reproduce state law – all carry a penalty of a default to the General Penalty in city code § 1-6, of either a fine not exceeding \$500 or imprisonment for a term not exceeding 30 days.

[Sec. 50-3. Obedience to police.](#)

[Sec. 50-8. Exemptions to authorized emergency vehicles.](#)

[Sec. 50-9. Use of coaster, roller skates and similar devices.](#)

[Sec. 50-10. Unlawful riding.](#)

[Sec. 50-11. Persons to stay inside vehicle.](#)

[Sec. 50-12. Entering or riding vehicles without permission.](#)

[Sec. 50-13. Not more than three persons permitted in front seat.](#)

[Sec. 50-14. Boarding or alighting from moving vehicles.](#)

[Sec. 50-15. Placing glass, tacks, wire, bottles, nails or other such articles in streets.](#)

[Sec. 50-16. Mufflers.](#)

[Sec. 50-17. Riding motorcycles generally.](#)

[Sec. 50-18. Riding bicycles and motorcycles without hands on handlebars.](#)

[Sec. 50-21. Clinging to moving vehicles.](#)

[Sec. 50-22. Solicitation in public rights-of-way prohibited.](#)

[Sec. 50-96. Duty to drive on right half of street—Generally.](#)

[Sec. 50-97. Same—Crossing intersection or railroad.](#)

[Sec. 50-98. Meeting of vehicles.](#)

[Sec. 50-99. Driving on roadways laned for traffic.](#)

[Sec. 50-100. Passing vehicle proceeding in same direction—Generally.](#)

[Sec. 50-101. Same—When permitted on right.](#)

[Sec. 50-102. Same—Duty of driver of overtaken vehicle.](#)

[Sec. 50-103. Right-of-way generally.](#)

[Sec. 50-104. Exceptions to the right-of-way rule.](#)
[Sec. 50-105. Method of turning at intersections.](#)
[Sec. 50-106. Signals on starting, stopping or turning—Required.](#)
[Sec. 50-107. Same—Manner of giving.](#)
[Sec. 50-108. Duty of drivers of vehicles upon approach of authorized emergency vehicles.](#)
[Sec. 50-109. Following fire apparatus or driving near scene of fire.](#)
[Sec. 50-110. Driving over fire hose or blocking fire apparatus.](#)
[Sec. 50-111. Backing.](#)
[Sec. 50-112. Entering intersections and marked crosswalks.](#)
[Sec. 50-113. Driving vehicles on sidewalks.](#)
[Sec. 50-114. Using wheels with cleats, lugs or flanges over streets or sidewalks.](#)
[Sec. 50-115. Corner cutting.](#)
[Sec. 50-116. Following too closely.](#)
[Sec. 50-117. Driving overloaded or overcrowded vehicle.](#)
[Sec. 50-118. Cruising.](#)
[Sec. 50-119. Compression brakes prohibited.](#)

SPEED RESTRICTIONS

[Sec. 50-141. Reasonable and prudent limitation.](#)
[Sec. 50-142. General district limitations.](#)
[Sec. 50-143. Duty to decrease.](#)
[Sec. 50-144. Variation of maximum speed limits.](#)
[Sec. 50-145. School zones.](#)

TRAFFIC CONTROL DEVICES

[Sec. 50-182. Obedience to devices.](#)
[Sec. 50-183. Necessity of signs.](#)
[Sec. 50-184. Moving or damaging devices.](#)
[Sec. 50-185. Traffic control signal legend.](#)
[Sec. 50-186. Flashing signals.](#)
[Sec. 50-187. Pedestrian walk and don't walk signals.](#)
[Sec. 50-188. Stop intersections.](#)
[Sec. 50-189. Yield intersections.](#)
[Sec. 50-190. Driving on one-way streets.](#)
[Sec. 50-191. Limitations on turning around.](#)
[Sec. 50-192. Truck routes.](#)
[Sec. 50-193. Driving through safety zone.](#)

[Sec. 50-194. Driving in school zones.](#)

[Sec. 50-195. Driving in quiet zones.](#)

[Sec. 50-196. Driving on play streets.](#)

PEDESTRIANS

[ec. 50-377. Right-of-way at crosswalks.](#)

[Sec. 50-378. Crossing at other than crosswalk.](#)

[Sec. 50-379. Walking on traveled portion of street.](#)

[Sec. 50-380. Soliciting rides.](#)

[Sec. 50-381. Special provisions relative to blind pedestrians.](#)

[Sec. 50-382. Unlawful use of white cane.](#)

[Sec. 50-383. Duty of drivers.](#)

RAILROADS

[Sec. 50-481. Construction or repair of bridges or culverts in streets.](#)

[Sec. 50-482. Permission to lay tracks in, along or across streets.](#)

[Sec. 50-483. Maintenance of tracks and crossings.](#)

[Sec. 50-484. Arm gates or flagperson required at crossings; exceptions.](#)

[Sec. 50-485. Operation of arm gates at crossings.](#)

[Sec. 50-486. Obstruction of crossings.](#)

[Sec. 50-487. Obedience to warning device.](#)

[Sec. 50-488. Parking.](#)

[Sec. 50-489. Flying shifts.](#)

[Sec. 50-490. Boarding or alighting from moving cars.](#)

[Sec. 50-491. Boarding standing boxcars without authority.](#)